IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 11654 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MR.GOPINATH D.P. & 1 - Applicant(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR KV SHELAT for Applicant(s) : 1 - 2.
MR HL JANI for Respondent(s) : 1,
NOTICE UNSERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 18/10/2005

ORAL JUDGMENT

1.Rule. Mr. H.L. Jani, learned Assistant Public Prosecutor waives service of rule on behalf of respondent no.1- State. Mr. Chirag Bhatt, learned advocate

appearing for Mr. Hasmukh N Shah, learned advocate appearing on behalf of respondent no.2 waives service of rule on behalf of respondent no.2.

2.Pursuant to the order passed by this court on 03.10.2005, the present petitioners appeared before the learned Magistrate on 15.10.2005. The matter is now adjourned to 19.11.2005 for recording the plea of the present petitioners. Mr. K.V. Shelat, learned advocate appearing for the petitioners makes statement at bar that the petitioners will remain present before the learned Magistrate on 19.11.2005 for recording of their plea by the learned Magistrate.

3.In view of the aforesaid statements and in view of the fact that the petitioners did appear on 15.10.2005, there is no question of implementation or execution of non-bailable warrant issued by the learned Magistrate. It is however, made very clear that if the present petitioners will not appear before the learned Magistrate on 19.11.2005, the court can certainly exercise its power to issue non-bailable warrant against the present petitioners for securing their presence.

4.Subject to the aforesaid direction and observation,

this petition is accordingly disposed off without any order as to cost.

(K.A. PUJ, J.)

Divya//